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## BERKELEY, CALIFORNIA, UNDER COMMISSION FORM OF GOVERNMENT<sup>1</sup>

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Board of Freeholders that framed the Berkeley Charter.

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Berkeley, California, was the first city, which, having practically autonomous power to frame its own charter, adopted the commission form of government. The California constitution allows the cities of the state to select boards of freeholders to prepare charters which are to be submitted for approval to the city electorate and then ratified by the legislature. Legislative ratification, while probably discretionary, has in all cases, as a matter of course, followed approval by the people of the community concerned. Cities have, consequently, control over their own destinies within wide constitutional limits.

Berkeley, under the federal census of 1910, was credited with a population slightly in excess of 40,000. The assessed value of real and personal property is about \$35,000,000. The commission charter was prepared by a board of fifteen freeholders during the summer of 1908. It was adopted by the voters of the city on January 30, 1909, by a vote of 3,178 to 546. A proposition prohibiting saloons was adopted at the same time by a vote of 2,400 to 1,288, and thereby became a section of the charter. The charter was duly ratified by the legislature, the elections under it were held in May, and the new administration entered upon its duties on July 1, 1909.

The charter is modeled after the outline supplied by the Des Moines charter, with important modifications and additions. It is constructed to meet the conditions and opportunities under the

<sup>1</sup> References: Annual Reports of the Mayor and Council of the City of Berkeley, California, for the years 1909-10 and 1910-11.

Report of the Committee on the Workings of the New Charter, and the conduct of the affairs of the city by the present city officials. Bulletin No. 5 of the City Club of Berkeley. March, 1911.

California constitution, and accordingly not only establishes the essential framework of government, but sets out fully the powers of the city and regulates the administration in various directions. Great pains were used to develop a complete and harmonious system of commission government. Among the subjects provided are, the establishment of all desired public utilities and institutions, possible municipal ownership and operation, regulation of municipal accounts, publicity in all public business, financial economy and efficiency, control in letting contracts, and protection of the community's interest in the matter of franchises. Direct legislation by the people is provided for through the initiative and referendum. All elective officials are subject to the recall at an election held in answer to a petition of voters equal to twenty per cent or more of the votes cast for mayor at the last election. No recall petition may be filed within three months after the official in question has taken his office. No person who has been recalled or has resigned pending recall proceedings may, within one year, fill an appointive office.

The most important original feature in the Berkeley charter is the method of elections. The aim of the election provisions is to make elections (1) non-political and non-sectional; and (2) dependent upon an absolute majority of votes cast in place of a mere plurality of votes. Nominations for office are open to any qualified person in whose behalf twenty-five verified certificates of nomination, each signed by one voter, are duly filed. This is the only way in which a candidate can come up for election. There is no limit to the number of candidates for an office. Names are placed on the ballot in alphabetical sequence. Nothing is permitted on the ballot that will indicate the source of nomination or support. Wards are abolished; all nominations are made at large. In order to secure a majority vote, provision is made for two elections, separated by an interval of three weeks. The first election may be both a primary and a final election. It is a final one for candidates for any office who receive a majority of all votes cast for that office. For all other candidates the first election is a primary. At the second election, the number of candidates for each position that may not have been filled at the first election is reduced to two, namely, the two who received the highest number of votes at the first election.

The Berkeley nomination and election provisions are being widely copied in the United States, either exactly as they appear in the Berkeley charter or with modifications. In California, they have been adopted in practically identical form in San Francisco, Vallejo, Modesto, San Luis Obispo, Monterey, Santa Cruz and Sacramento (charter now pending adoption); while in Los Angeles and Oakland they have been adopted with the qualification that the first election shall in all cases be only a primary, requiring that all positions be voted for at the second election. The first set of municipal elections under the Berkeley charter was held on May 1 and 22, 1909. At the first of the two elections, one of the four candidates for Mayor (Beverly L. Hodghead) and one of the four candidates for auditor (M. L. Hanscom) received a majority of all ballots cast, and were thereby declared elected. At the second election, held in April, 1911, the choice of Mayor (J. Stitt Wilson) and of auditor (M. L. Hanscom) was again decided at the first of the two elections. In San Francisco, the Berkeley election plan was adopted in the spring of 1911 as an amendment to the charter, the general scheme of that charter remaining unchanged. The plan is there subjected to a greater strain, not only on account of the size of the city and the diversity of population and of interest, but because the ballot is excessively long, whereas in commission cities proper the ballot is short. The first trial of this method of election in San Francisco is now taking place. The first half of the double election was held on September 26, the second half comes on November 7. At the first election there were 245 candidates for thirty-one positions. More precisely, there were twelve offices for which a single official was to be chosen; one office (police judge) for which two officials were to be chosen; and one office (supervisor, or councilman) for which eighteen officials were to be chosen. For the first group (single official) the number of candidates per office varied from three to ten. For the second group (police judge) the number of candidates for the two judgeships was ten. For the third group (supervisors) the number of candidates for eighteen places was 173. In this intolerably long ballot, the list of supervisors was the only one that occasioned any embarrassment. And the result shows that even here the voters showed rare discrimination in expressing their will. The offices filled at this first of the two elections by a clear majority over all com-

petitors were those of Mayor (James Rolph, Jr.), city attorney, clerk, recorder, public administrator, assessor, treasurer, tax collector, and the two police judges. The filling of the remaining offices, district attorney, auditor, sheriff, coroner, and eighteen supervisors, will be decided on November 7, when the two candidates for the first four mentioned positions and the thirty-six candidates for supervisors who received the highest vote on September 26 will be placed on the ballot.

The first administration in Berkeley under the commission charter assumed office on July 1, 1909. It consisted of Beverly L. Hodghead, Mayor; R. A. Berry, Commissioner of Finance and Revenue; Christian Hoff, Commissioner of Public Health and Safety; W. F. McClure, Commissioner of Public Works; E. B. Norton, Commissioner of Public Supplies. These, with the auditor, M. L. Hanscom, constituted the elective municipal officers. Immediately upon its organization, the council, consisting of the mayor and these four commissioners, determined that it would hold daily sessions at which the members could confer with one another and despatch such business as was called for. The custom of daily meetings has been consistently followed out. The transaction of business has been greatly facilitated thereby. The commissioners have been brought into close relationship and each has gained a fuller knowledge not only of his own department but of the other departments and of the work and needs of the city as a whole. Mayor Hodghead, in one of his official reports, says in respect to the methods of the council:

In the transaction of the business of the city the proceedings of the council have been entirely harmonious and agreeable. There has been no clashing of interests, for the interests of all the members have been the same. The judgment of public officers is sometimes influenced by the interests they represent, and if those interests are antagonistic, the differences cannot be reconciled. My experience has confirmed the opinion I had occasion to express at the time of assuming office, that I believed the people had elected a council of men, each with a judgment of his own, but with a willingness and readiness to accept the views of others if they were convincing. We have differed in opinion on many subjects at the beginning of our investigation. Our final opinions, however, have been reserved until we have first, as far as possible, become fully acquainted with all the facts in each case and until there has been a full conference and interchange of views among the members. The reason we have been able to agree is, we have not prejudged questions before all the members have had an opportunity to hear all the facts, and we have not acted on *ex parte* statements alone. Where there is no councilman who

has any special interest or particular section or class to represent or serve, it is made comparatively easy to reach an agreement after coming into possession of the facts in each case. As a consequence no question of importance has arisen, on which the final judgment of the members has not been in accord.

These daily daytime meetings emphasize the transition from the amateurish, side-issue character of the conduct of municipal affairs under the prevailing form of charter to the business-like methods almost necessarily observed under the commission form of city government.

The matter that first engaged the attention of the new council was the adoption of ordinances distributing and assigning the different administrative powers, authorities, and duties into and among the several departments, and determining the powers and duties of the mayor and commissioners; also ordinances prescribing the duties of the chief officials enumerated in the charter, providing for the organization and management of the police and fire departments, and for the various commissions (park, playground, charity) contemplated by the charter, which in all these matters vested a wide discretion in the council. Having completed the organization of the government of the city along these new lines, the council, in its legislative capacity, turned to the revision of the old and the adoption of new ordinances. The principal classifications of the ordinances adopted during the last two years are, the administrative ordinances above referred to, ordinances relating to licenses and the assessment and collection of taxes, ordinances on bill boards and the impounding of animals, on public utilities and their regulation, police ordinances, fire ordinances, building inspection and plumbing ordinances, a pure-milk ordinance, and an ordinance to secure a sanitary condition of all markets. The laws enacted by the council under commission government indicate more thorough study of the subjects and conditions to which they relate, a larger reliance upon expert advice, and a broader and better-balanced consideration of the needs of the public.

The cost of a city government is implicated with questions of efficiency of administration and extent of public improvements. The tax rate and expenditures of money in a rapidly growing community do not of themselves declare whether an administration is economical or not. Results, rather, decide the question, and we have

not space here to go into an exhaustive examination of the various problems involved. We can only state conclusions. The following table, however, we believe to be an index of the general effort of the city government to bring about as large a result as possible with as small an expenditure as possible. The comparative rates on the chief municipal taxes during the two years of the new administration were as follows:

	1909-10.	1910-11.
Library tax .....	.07	.05
Bond tax .....	.09	.06
Cash basis (fixed by charter) .....	.02½	.02½
General municipal expenses .....	.62½	.61½
 Total .....	 .81	 .75

The police and fire departments, which in 1908 had been reduced on account of depleted funds, were speedily restored to a basis of efficiency. Additional men have been added to each force. New modern apparatus has been provided for the fire department, which has given an excellent record with reference to the control of fires. The total loss from fires in 1909-10 was \$13,325, and in 1910-11 was \$34,874; placing Berkeley among the lowest in fire loss, as officially reported, among cities of its size in the United States. The personnel of both the police and fire departments was not materially changed by the incoming commission administration in July, 1909. The Chief of Police in his report says: "I desire to call your attention to the success attending the reorganization of the police department under the commission form of government. Politics have been entirely eliminated, and the department has grown in strength and efficiency under the careful supervision of the Commissioner of Public Health and Safety; the needs of the department have been made known to the council and the proper attention of the chief may be devoted to the direction of the police organization."

The criminal court has shown a marked decrease in the number of cases requiring its action. The number of arrests for the principal offenses, including felonies, in the last year under the old charter and the first two years under the new charter, is shown in the following table:

	1908-09.	1909-10.	1910-11.
Violating gambling laws .....	42	6	0
Disturbing the peace .....	44	28	17
Drunkenness .....	150	93	27
Violating various city ordinances .....	161	73	41
Battery .....	36	30	21
Petit larceny .....	20	27	22
Grand larceny .....	4	4	2
Burglary .....	6	11	3
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Total arrests for all causes, including those given above.....	657	501	338

The health department was completely reorganized following the inauguration of the new administration. On account of the general healthfulness of the community, and on account of the cost of thorough and expert development of scientific sanitation, the health problem has not received from the people the attention and assistance it deserves. Commendable and promising progress has, however, been made by the health department in the last two years. Vital statistics are collected and classified. Infectious and communicable diseases are well controlled. A vigorous campaign has been waged against the purveyors of impure milk. A stable ordinance has been well enforced, and the number of flies in the community has been greatly reduced. The city is being relieved of its garbage by a temporary makeshift; its ultimate disposal remains a problem, annoying but not difficult, still to be solved.

The most obvious results of the activity and business-like methods of the new government have been in the department of public works. A large amount of work has been done on the streets, especially in the hilly and outlying portions of the city, where construction is more expensive than in the comparatively level areas where the work of the earlier periods was done. Several streets in the business portion of the city have been laid with asphalt pavements of the very best construction. Seventeen miles of streets have been oiled on a macadam foundation. This process has been found highly satisfactory. The surface is preserved, and a considerable saving is made in the expense of sprinkling. The diligence of the department has been particularly conspicuous in keeping the streets clean. Under the old regime, the streets in the residence districts were cleaned perhaps once a year. Then the accumulated soil and refuse in the gutters were scraped into heaps on the roadway. By

the time the wagons came along for their collection, some days later, these heaps were in large part again scattered. Under the new government, the wagons follow closely upon the heels of the street-cleaners. The streets paved with asphalt and others in the central portions of the city have been cleaned daily. Others have been cleaned at frequent intervals. Two hundred and eighty miles of streets were cleaned during the past year.

One hundred and fifty-three arc lights and one hundred and thirty-one electroliers have been added since July 1, 1909, thereby doubling the street illumination. The cost of lights was at the same time reduced twenty-five per cent. About \$112,000 was expended during the last fiscal year on the care and maintenance of streets, including repairs, cleaning, sprinkling, lighting, and placing fire hydrants. The efficiency of the new government has been conspicuously shown in the adjustment of long-standing controversies and suits over street-openings.

Water is supplied to Berkeley by a private company, which has developed or controls the resources in all the watersheds of the Coast Range mountains in the surrounding neighborhood. The commission government has actively interested itself in the efforts to secure an adequate supply of the best water for San Francisco, Oakland, Alameda, Berkeley, and the other bay cities. It is practically out of the question for Berkeley, acting alone, to obtain a supply that will be permanently sufficient. Mayor Hodghead accordingly associated himself intimately with representatives of San Francisco and Oakland who have been seeking to get the permission of the United States government for the use of the Hetch Hetchy source in the Sierra Nevada mountains. The entire cost of bringing water from that source to San Francisco is estimated at from forty to fifty million dollars. Berkeley's share would be about three million dollars. The efforts of the city government have been necessarily confined to procuring data, enlightening the people, and prosecuting the plan of ultimately obtaining an abundant and unfailing supply of pure water from the only available sources, the Sierra Nevada mountains. These efforts, however, have been prosecuted, not in a desultory way, but with an unflagging and business-like spirit.

A large part of the revenue of the city, outside the salary roll, is extended in the purchase of supplies. One of the administrative

departments under the new charter is that of public supplies, under the commissioner of public supplies, who is practically the purchasing agent of the city. The auditor's statement submitted each month shows the expenditures in the several departments. The head of a department is expected to submit an estimate each month to the commissioner of finance and revenue of the expenditures likely to be called for. If such estimate is approved by the council, the purchases are made as required within the limit, and beyond it in cases of emergency. Requisitions against this estimate are drawn by the head of each department on the commissioner thereof, and signed by such commissioner and by the commissioner of public supplies. When the receipt of the article is acknowledged by the proper officer, the bills are examined and audited by the commissioner of finance and revenue, the commissioner of public supplies and the auditor. They are then approved by the council and warrants for the amounts properly issued. System and regularity have been introduced into this sphere of the city government. Under the direction of a responsible commissioner leakage and waste have been all but stopped, and the city has been saved many thousands of dollars.

In a word, the activities of the first administration of Berkeley's commission government give abundant illustrations of what can be accomplished by substituting for slack, amateurish, though well-intentioned, methods, a scientific business-like conduct of municipal affairs.